

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

**PUBLIC ASSEMBLY ROOM
2ND FLOOR CITY-COUNTY BUILDING
1:00 P.M.**

STAFF REPORTS FOR SEPTEMBER 29, 2011

**These reports do not in any way commit the Hearing Examiner
to approve or disapprove any petition filed before it.**

**Any decision of the Hearing Examiner may be appealed to the full Metropolitan
Development Commission, subject to deadlines prescribed by the Metropolitan
Development Commission, rules of procedure. Please contact the Current Planning staff,
327-5155, within the first or second day after the hearing, to determine the appropriate
appeal procedures.**

PETITION NO.	PETITION ADDRESS AND LOCATION	PAGE
EXPEDITED PETITIONS:		
2011-APP-012	1914 NORTH PARK AVENUE CENTER TOWNSHIP, # 9	3
2011-ZON-070	1105 SOUTH HARDING STREET CENTER TOWNSHIP, CCD # 19	8
2011-ZON-072	618 EAST MARKET STREET AND 621 EAST OHIO STREET CENTER TOWNSHIP, CCD # 15	11
CONTINUED PETITIONS:		
2010-ZON-019	3016 WEST SOUTHPORT ROAD PERRY TOWNSHIP, CCD #22	15
2011-ZON-052	2405 LAFAYETTE ROAD WAYNE TOWNSHIP, CCD # 15	24
2011-ZON-068**	531 VIRGINIA AVENUE CENTER TOWNSHIP, CCD # 19	28
2011-CZN-818 2011-CVR-818	433-457 NORTH STATE STREET AND 1739 EAST MICHIGAN STREET; CENTER TOWNSHIP, CCD # 16	31
NEW PETITIONS:		
2011-ZON-069	101 SOUTH HARDING STREET CENTER TOWNSHIP, CCD # 15	35

*Automatic Continuance
** Continuance Requested
*** Withdrawal or Dismissal Requested

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2011-APP-012
Address: 1914 North Park Avenue (approximate address)
Location: Center Township, Council District #9
Petitioner: King Park Area Development Corporation
Request: Park District Two Approval to provide for a single-family dwelling and a parking pad.

RECOMMENDATIONS

Staff **recommends approval** of this petition, subject to substantial compliance with the site plan and building elevations, file-dated August 25, 2011.

SUMMARY OF ISSUES

The following information was considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.12-acre site is zoned PK-2 and is unimproved. It is abutted to the north and south by unimproved lots, zoned PK-2; to the east, across North Park Avenue, by Dr. Martin Luther King, Jr. Park, zoned PK-1; and to the west, across an abutting north-south alley, by a single-family dwelling, zoned PK-2.
- ◇ The Park District Two zoning classification is intended to provide for development complementary to park use and the PK-1 District. Permitted PK-2 uses include single-family and multifamily residential, commercial office and retail, public and semi-public uses, and others. This request, if approved, would result in the development of a single-family dwelling with an alley-accessible parking pad. The request would be generally consistent with the *Citizens / King Park Neighborhood Plan*, which recommends high-density multifamily development of 26 to 49 dwelling units per acre. The *Plan's* recommendation for high-density residential use stems from the fact that a multifamily dwelling occupied the site at the time the *Plan* was crafted. That dwelling, however, was removed in 2009. As the *Plan* recommends medium-density, single-family residential development of six to 15 dwelling units per acre for the lots abutting to the north, south, and east, it would be appropriate to apply that recommendation to this site, as well.

INFILL HOUSING GUIDELINES

- ◇ The *Infill Housing Guidelines* were adopted as a component of the Marion County Comprehensive Plan to encourage residential infill development, particularly within older areas, that contextually complements and supports the surrounding established built form.

(Continued)

STAFF REPORT 2011-APP-012 (Continued)

- ◇ The site plan and building elevations, both file-dated August 25, 2011, indicate development of a two-story single-family dwelling with a height, massing, setbacks, orientation, silhouette, fenestration, design, and material composition complementary of surrounding development.
- ◇ As this request would be substantially consistent with the recommendations of the *Citizens / King Park Neighborhood Plan*, and as it would provide for development honoring the recommendations of the *Infill Housing Guidelines*, staff recommends its approval.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

PK-2	Unimproved
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SURROUNDING ZONING AND LAND USE

North - PK-2	Unimproved
South - PK-2	Unimproved
East - PK-1	Public park
West - PK-2	Single-family dwelling

NEIGHBORHOOD AREA PLAN

This site is located within the boundaries of the *Citizens / King Park Neighborhood Plan*, which recommends high-density multifamily development of 26 to 49 dwelling units per acre.

THOROUGHFARE PLAN

Park Avenue is not indicated on the Official Thoroughfare Plan.

FLOODWAY/FLOODWAY FRINGE

This site is not located in the floodway or floodway fringe.

SITE PLAN

File-dated August 25, 2011.

BUILDING ELEVATIONS

File-dated August 25, 2011.

FINDINGS OF FACT

File-dated August 25, 2011.

ZONING HISTORY

2008-APP-060; 2034 North College Avenue and 1910 North Park Avenue (includes abutting site to south), requested Park District Two Approval to provide for two two-family dwellings, each having a detached garage, **approved**.

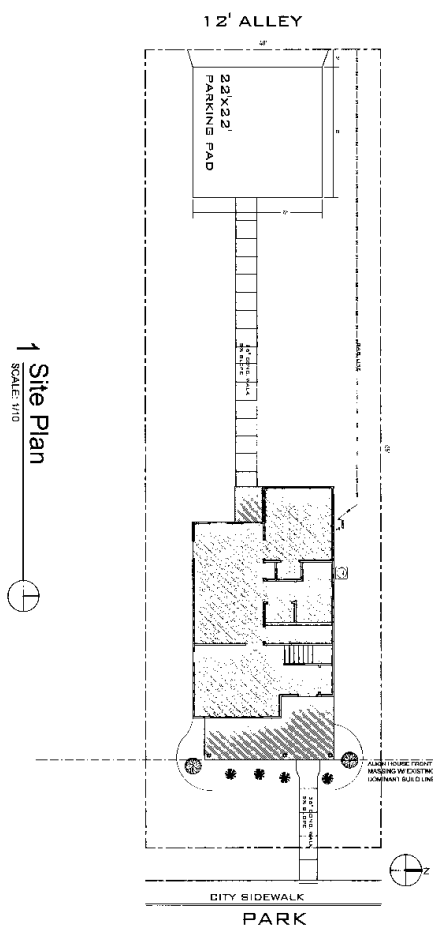
2004-APP-155; 1924 North Park Avenue (north of site), requested Park District Two approval to provide for the construction of a single-family dwelling with a detached garage, **approved**.

DLH

2011-APP-012; 1914 North Park Avenue



2011-APP-012 SITE PLAN
(file-dated August 25, 2011)



RECEIVED
AUG 31 2011
METROPOLITAN DEVELOPMENT

Carley Custom Builders 7123 E. 46th Street Indianapolis In. 46226	King Park Area Development Corporation 1914 N. Park Indianapolis Indiana		Site Plan	Sheet No. A-0
		8/23/11		

<p>Carley Custom Builders 7123 E. 46th Street Indianapolis, IN 46226</p>	<p>King Park Area Development Corporation 1914 N. Park Indianapolis Indiana</p>	<p>8/23/11</p>	<p>Elevations</p>	<p>Sheet No. A-4</p>
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STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2011-ZON-070
Address: 1105 South Harding Avenue (approximate address)
Location: Center Township, Council District #19
Petitioner: Ravinder Chaudhary and Paramjit Singh
Request: Rezoning of 1.324 acres, from the I-3-U District to the C-4 classification to provide for commercial uses.

Staff **recommends approval** of this petition.

SUMMARY OF ISSUES

The following information was considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 1.324-acre site is zoned I-3-U and is unimproved. It is abutted to the north by unimproved property, zoned I-3-U; to the east, beyond a railroad track, by an industrial facility, zoned I-3-U; to the south by a fast-food restaurant, zoned C-3; and to the west, across South Harding Street, by a community health center and unimproved property, zoned SU-7 and C-7, respectively.
- ◇ This request would be generally consistent with the *West Indianapolis Neighborhood Plan*, which recommends commercial retail and service development, specifically the C-6 zoning classification. The *Plan*-recommended C-6 District is designed to permit development of limited service uses related to freeway, expressway, or other thoroughfare interchanges and other controlled access locations along major arterial thoroughfares. C-6 permitted uses are generally also permitted within the requested C-4 District, though the C-6 permitted use list is shorter than the C-4 list, and is generally limited to service-oriented uses, rather than retail.
- ◇ Here, though the site is located near a freeway interchange (South Harding Street intersects with Interstate 70 immediately to the north), the site also serves as a legitimate regional commercial destination, as it is situated at the intersection of two primary arterials, is located near large employment generators, and is well buffered from any protected district.
- ◇ Staff, therefore, would regard the request as being appropriate and generally compatible with the recommendation of the *West Indianapolis Neighborhood Plan*, and recommends its approval.

(Continued)

STAFF REPORT 2011-ZON-070 (Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-3-U Unimproved

SURROUNDING ZONING AND LAND USE

North -	I-3-U	Unimproved
South -	C-3	Restaurant
East -	I-3-U	Industrial facility
West -	SU-7, C-7	Health center, unimproved

NEIGHBORHOOD PLAN AREA

This site is located within boundaries of the *West Indianapolis Neighborhood Plan*, which recommends commercial retail and service development, specifically the C-6 zoning classification.

THOROUGHFARE PLAN

This portion of South Harding Street is indicated on the Official Thoroughfare Plan as a primary arterial with a 160-foot right-of-way existing and a 160-foot right-of-way proposed..

FLOODWAY/FLOODWAY FRINGE

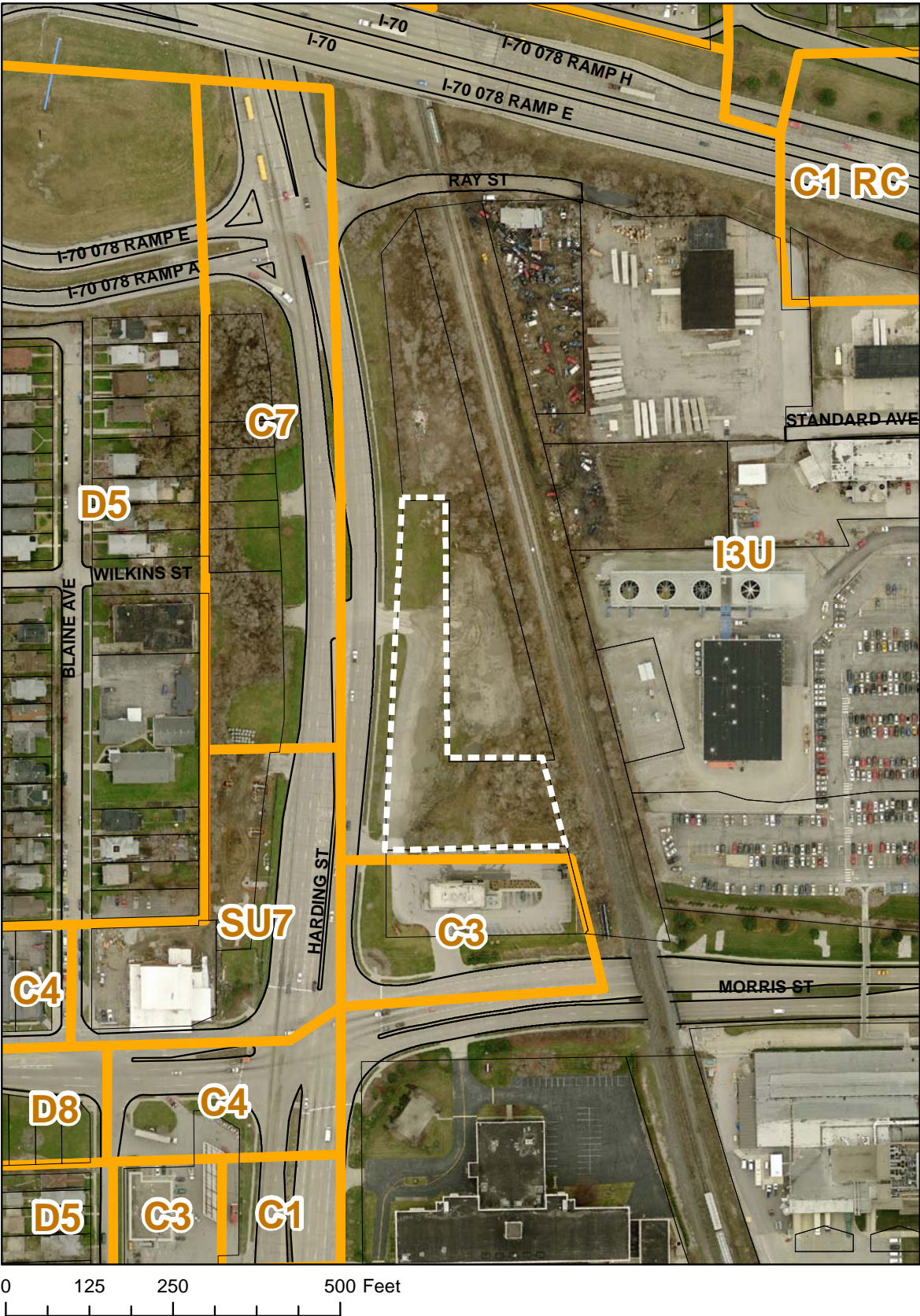
This site is located in the floodway fringe of White River.

ZONING HISTORY

2003-ZON-070; 1450 West Morris Street (abutting site to south), requested rezoning of 0.90 acre from I-3-U to C-3, approved.

DLH

2011-ZON-070, 1105 South Harding Street



STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2011-ZON-072
Address: 618 East Market Street and 621 East Ohio Street (Approximate addresses)
Location: Center Township, Councilmanic District # 15
Petitioner: Hargitt Monument Investments and Cougar Realty Partners, LLC, by David Kingen
Request: Rezoning of 1.92 acres, from the I-3-U (FF) (RC) District, to the CBD-2 (FF) (RC) classification to provide for central business district two uses.

RECOMMENDATIONS

Staff **recommends approval** of the petition.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The request would provide for the rezoning of two parcels divided by an alley. One parcel, 618 East Market Street is improved with a one-story office building and a small surface parking lot east of the building. The other parcel, 621 East Ohio Street is also improved with a one-story building that is currently used for business furniture sales. A surface parking lot is adjacent to the north and east of the building. Market Street and Ohio Street are two-way arterial streets. The portion of Market Street from East Street to Interstates 65 and 70 was recently redesigned to eliminate a ramp to the interstates, with new sidewalks and pavement being completed within the last two years.
- ◇ North of this site are the offices of the Nature Conservancy and funeral service business. East and west are industrial uses and south is commercial office. Residential development is located to the north and northwest within one-half block of the site. This area is undergoing a transition from predominant industrial uses to mixed commercial retail/office, residential, with a few remaining industrial uses.
- ◇ This rezone request would remove one of the last remnants of I-3-U zoning in the near east side of downtown. The I-3-U zone is a medium-intensity Industrial classification that would be inappropriate near residential use and contrary to the goals of the Regional Center Plan 2020, which encourages residential and mixed-use development. The Regional Center Plan 2020 recommends core support development for the entire site. Core support uses include business services and retail. The request to rezone to CBD-2 would comply with the Plan's recommendation.

(Continued)

STAFF REPORT 2011-ZON-072 (Continued)

REGIONAL CENTER

- ◇ The site is located within the Regional Center overlay district. Design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the approval of the Administrator of the Division of Planning. A Regional Center Approval petition has not been filed.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE I-3-U (RC) Commercial buildings

SURROUNDING ZONING AND LAND USE

North	-	CBD-2 / I-3-U (RC)	Office
South	-	I-3-U (RC)	Light industrial
East	-	I-3-U (RC)	Commercial office
West	-	CBD-2 / I-3-U (RC)	Industrial

COMPREHENSIVE PLAN The site is located within the boundaries of the Regional Center Plan 2020 which recommends core support development.

THOROUGHFARE PLAN The Official Thoroughfare Plan for Marion County indicates that Ohio Street is a primary arterial with a 90-foot right-of-way existing and proposed. Market Street is a primary arterial with a 75-foot right-of-way existing and proposed.

ZONING HISTORY

2011-ZON-067; 117 North East Street, requests a rezoning of 0.74 acre, from I-3-U (RC) to CBD-2 (RC) for central business district zoning uses, **pending**.

2010-REG-117; 55 and 101 North Alabama Street, requests Regional Center Approval (High Impact) to provide for the re-surfacing of two surface parking lots on the former Market Square Arena site, **approved**.

2009-REG-035; 115 North New Jersey Street, requested Regional Center Approval for demolition of a one-story commercial building, **approved**.

2009-ZON-046; 450 East Washington Street and 101 North New Jersey Street, requested a rezoning of 5.9 acres, from the CBD-2 (RC) and I-3-U (RC) Districts, to the CBD-2 (RC) District, **approved**.

2007-ZON-016; 123 North New Jersey Street requested a rezoning of 0.16 acre, from the I-3-U (RC) District to the CBD-2 (RC) District, **approved**.

2000-APP-101; 401 East Market Street, requested Regional Center approval to provide for an upgraded loading dock, **approved**.

(Continued)

STAFF REPORT 2011-ZON-072 (Continued)

89-AP-18; 101 North New Jersey Street, requested Regional Center approval to provide for a parking garage, **approved**.

JY

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2010-ZON-019
Address: 3016 West Southport Road
Location: Perry Township, Council District #22
Petitioner: Richard Douglass
Request: Rezoning of 10.23 acres from the D-A (FF) (W-1) and C-ID (FF) (W-1) District to the C-S (FF) (W-1) classification to provide for self-storage, including outdoor storage; building contractors; construction companies; contractors (interior only); retail building materials; retail, truck rental; light and heavy equipment rental; contractor's equipment sales and service; garden shop; plant sales; garden materials and lawn supplies and equipment, with outdoor display; trailer sales and service; travel trailer sales and rental; indoor and outdoor truck storage; all C-3C uses and daycare uses.

ADDENDUM FOR SEPTEMBER 29, 2011

This case was continued from the August 25, 2011 hearing to the September 29, 2011 hearing to allow for ongoing negotiation between the petitioner, staff, and Department of Public Works staff. Another continuance request is anticipated.

ADDENDUM FOR AUGUST 25, 2011

This case was continued from the July 28, 2011 hearing to the August 25, 2011 hearing to allow for ongoing negotiation between the petitioner, staff, and Department of Public Works staff. Verbal remarks will be provided regarding said negotiations at the hearing.

ADDENDUM FOR JULY 28, 2011

This case was continued from the July 14, 2011 hearing to the July 28, 2011 hearing to allow for staff evaluation of newly-submitted materials.

ADDENDUM FOR JULY 14, 2011

This case was continued from the June 23, 2011 hearing to the July 14, 2011 hearing to provide for ongoing negotiation between the petitioner and staff.

JUNE 23, 2011

RECOMMENDATIONS

Staff **recommends denial** of this petition.

(Continued)

STAFF REPORT 2010-ZON-019 (Continued)

SUMMARY OF ISSUES

The following information was considered in formulating the recommendation:

LAND USE ISSUES

- ◇ The eastern two-thirds of this 10.23-acre site is zoned C-ID (FF) (W-1) and is improved with ten commercial-industrial structures of varying sizes, most of which are used for self-storage. The western one-third is zoned D-A (FF) (W-1) and is improved with two single-family dwellings. The site is abutted to the north and east by single-family dwellings, zoned D-P; to the west by a single-family dwelling, zoned D-A; and to the south, across West Southport Road, by single-family dwellings, zoned D-P (FW) (FF).
- ◇ The C-ID-zoned portion of this site was, in 1979, zoned D-A and improved with three single-family dwellings, all fronting West Southport Road. By 1986, a large pole barn had been built behind the dwellings. By 1991, the easternmost dwelling was removed and the pole barn was expanded southward. Additional structures, apparently intended for storage, were built from 1991 to 1995, when the site was rezoned to the C-ID classification. By 2003, all dwellings had been removed and the site had expanded, essentially, to its present-day configuration. Review of historic aerial photography suggests that no outdoor storage or display had taken place on the site until 2008.
- ◇ The eastern two-thirds of this site was the subject of rezoning petition 95-Z-57, which rezoned the site from D-A (FF) to C-ID (FF). Commitments associated with that rezoning restrict use to warehouse, mini-warehouse, contractor, and associated accessory uses. This request would expand permitted uses to additionally include:
 - sales of building materials, travel trailers, and lawn and garden supplies and equipment,
 - rental of trucks, travel trailers and light and heavy equipment,
 - service of trailers and contractor's equipment,
 - indoor and outdoor truck storage,
 - outdoor display,
 - all C-3C uses, and
 - daycare.
- ◇ The request would be inconsistent with the *Comprehensive Plan*, which recommends residential development of 1.75-3.5 dwelling units per acre.

SITE ISSUES

- ◇ The site plan, file-dated February 3, 2010, proposes the northward expansion of the development, to include an additional seven storage buildings totaling approximately 45,000 square feet. Five of the buildings would be built along the site perimeter, generally providing a 40-foot transitional side yard to the east, and a 20-foot transitional rear yard to the north. Within the C-ID District, the District better fitting a mini-storage facility, 40-foot transitional side and rear yards are required. Additionally, within the C-ID District, any items stored outdoors

(Continued)

STAFF REPORT 2010-ZON-019 (Continued)

must be visually obscured from adjoining protected districts by use of screening and landscaping, and stored items may not exceed the height of the screening fence or wall. Field investigation revealed that stored items, including recreational vehicles, trucks, and trailers, are readily visible from the adjoining dwelling district. As the requested C-S District is generally not intended to accommodate the heavier uses proposed by this petition, it requires only 15-foot side and rear transitional yards, and is silent on the issue of outdoor storage.

CONCLUSION

- ◇ As several of the proposed permitted uses are representative of the C-5, C-7 and C-ID commercial districts, this request would deviate sharply from the *Comprehensive Plan's* recommendation for low-density residential development. The inappropriateness of the request is exacerbated by the fact that the subject site is surrounded on all sides by districts developed, zoned, and planned for ongoing low-density residential use. Additionally concerning is the apparent introduction, in recent years, of uses not permitted by the Commercial Zoning Ordinance or the terms of rezoning petition 95-Z-57. Staff, therefore, recommends denial of this request.

WELLFIELD PROTECTION

- ◇ This site has a secondary zoning classification of W-1 (One-Year Time of Travel Wellfield Protection Area), due to its proximity to the South Wellfield. Prior to the issuance of an Improvement Location Permit, site and development plans may be required for review by a Technically Qualified Person at the Office of Environmental Services, which may result in the imposition of development requirements necessary to ensure the protection of the City's public water supply.

FLOOD PLAIN

- ◇ A portion of this site lies within the 100-year flood plain of Little Buck Creek. Development within the floodplain must comply with the Flood Control Districts Zoning Ordinance.

DEPARTMENT OF PUBLIC WORKS

- ◇ The Department of Public Works, in a memorandum dated June 2, 2011, has requested the dedication of a 70-foot half right-of-way along West Southport Road. Additional easements should not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The DPW has requested that the right-of-way be granted within 60 days of approval.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A, C-ID

Self-storage, equipment rental, dwelling

(Continued)

STAFF REPORT 2010-ZON-019 (Continued)

SURROUNDING ZONING AND LAND USE

North -	D-P	Single-family dwellings
South -	D-P (FF)(FW)	Single-family dwellings
East -	D-P	Single-family dwellings
West -	D-A	Single-family dwelling, unimproved

COMPREHENSIVE PLAN Proposes residential development of 1.75-3.5 dwelling units per acre.

THOROUGHFARE PLAN This portion of West Southport Road is indicated on the Official Thoroughfare Plan as a primary arterial with a 50-foot right-of-way existing and a 140-foot right-of-way proposed.

FLOODWAY/FLOODWAY FRINGE The site is located within the floodway fringe of Little Buck Creek.

SITE PLAN File-dated May 19, 2011.

ZONING HISTORY

2001-APP-106 3006 West Southport Road (includes eastern portion of subject site), requested modification of D-P Statement, relative to 2000-ZON-008, to modify paragraph 8d to allow developer to contribute \$50,000 to IndyParks for greenway trail construction, rather than contribute \$50,000 to DCAM to provide for road construction, **approved**.

95-Z-57; 3016 West Southport Road (includes eastern approximate 60% of site), requested rezoning from 11.6 acres from D-A (FF) to C-ID (FF) to provide for mini-warehouse storage facilities and related activities, **approved**.

71-UV3-75; 3016 West Southport Road (includes portion of subject site), requested variance of use of the DDZO to provide for a beauty shop within an existing building, **granted**.

DLH

**2010-ZON-019 AMENDED C-S STATEMENT
(file-dated July 5, 2011)**

ATTACHMENT "C":

Development Statement:

Petitioner seeks to rezone property to "CS" and approval for Development and Site Plan to allow:

Use:

1. Self Storage facility, mini warehouses, including outdoor storage
2. Building contractors, construction companies, contractors.
3. Truck Rental
4. Equipment rental, both heavy and light
5. Contractors equipment sales and service
6. Lawn equipment sales with outdoor display
7. Trailer sales and Service, excluding semi tractors and trailers
8. Truck storage; excluding semi tractors and trailers, indoor and outdoor
9. All C-3C Uses (except those excluded in Attachment "E")

Hours of Operation: Uses # 1 above; 5 30 am to 11 pm
Uses # 2 thru # 12 above; 7 00 am to 5 30 pm

Setbacks:

East: 25
South: 10
North: 25
West: 15

Parking:

All Uses shall meet the minimum requirements for their respective use of the commercial Zoning Ordinance.

Signs:

All signs shall be non illuminated. Awning, canopy, window, ground, pylon or projecting signs shall be permitted. Free standing incidental signs may be permitted on the exterior of the buildings and shall meet the provisions of the Marion County Sign Ordinance.

Outdoor storage areas:

Per the site plan on file

Screening and buffering:

The fences shall be retained and all existing trees and buffering landscaping shall be retained and maintained per the Site Plan on file.

ATTACHMENT "D":

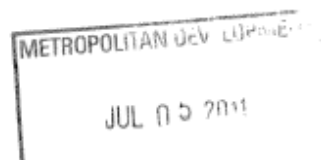
Petitioner agrees to the following conditions

1. No exterior lighting shall project light onto adjoining residential properties.
2. All perimeter landscaping and vegetation along the east, north and west property lines shall not be disturbed within ten (10) feet of those property lines.

ATTACHMENT "E":

Petitioner commits to exclude the following C-3-C Uses:

1. Outdoor advertising signs
2. Check Cashing facility
3. Blood Donor Station
4. Drug Addiction Counseling office
5. Tobacco Store or Stand



**2010-ZON-019 C-S STATEMENT
(file-dated January 29, 2010)**

ATTACHMENT "C":

Development Statement:

Petitioner seeks to rezone property to "CS" and approval for Development Plan and Site Plan to allow:

Use:

1. Self Storage facility, mini warehouses, including outdoor storage
2. Building contractors, construction companies, contractors (interior only)
3. Building Materials, retail
4. Truck Rental
5. Equipment rental, both heavy and light
6. Contractors equipment sales and service
7. Garden shop/ plant sales
8. Garden Materials & Lawn supplies & equipment with outdoor display
9. Trailer sales and Service
10. Travel trailer sales and rental
11. Truck storage, indoor and outdoor
12. All C-3-C Uses
13. Daycare

Setbacks:

East: 15
South: 10
North: 15
West: 15

Parking:

All Uses shall meet the minimum requirements for their respective use of the commercial Zoning Ordinance.

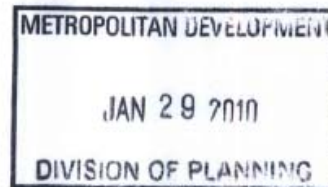
Signs:

All signs shall be non illuminated. Awning, canopy, window, ground or projecting signs shall be permitted. Free standing incidental signs may be permitted on the exterior of the buildings and shall meet the provisions of the Marion County Sign Ordinance.

Outdoor storage areas:

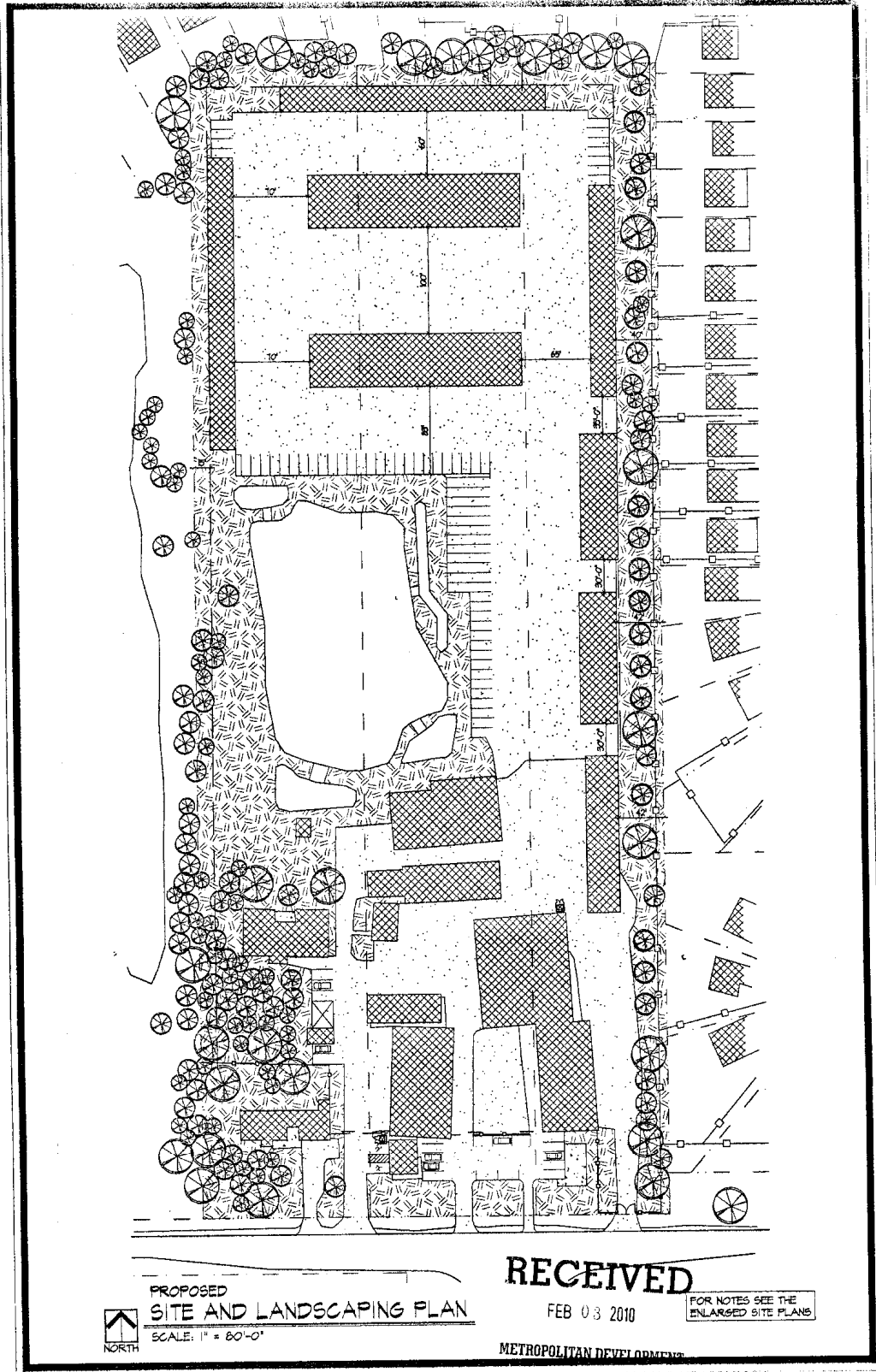
Per the site plan on file

Screening and buffering:



The fences shall be retained and all existing trees and buffering landscaping shall be retained and maintained per the Site Plan on file.

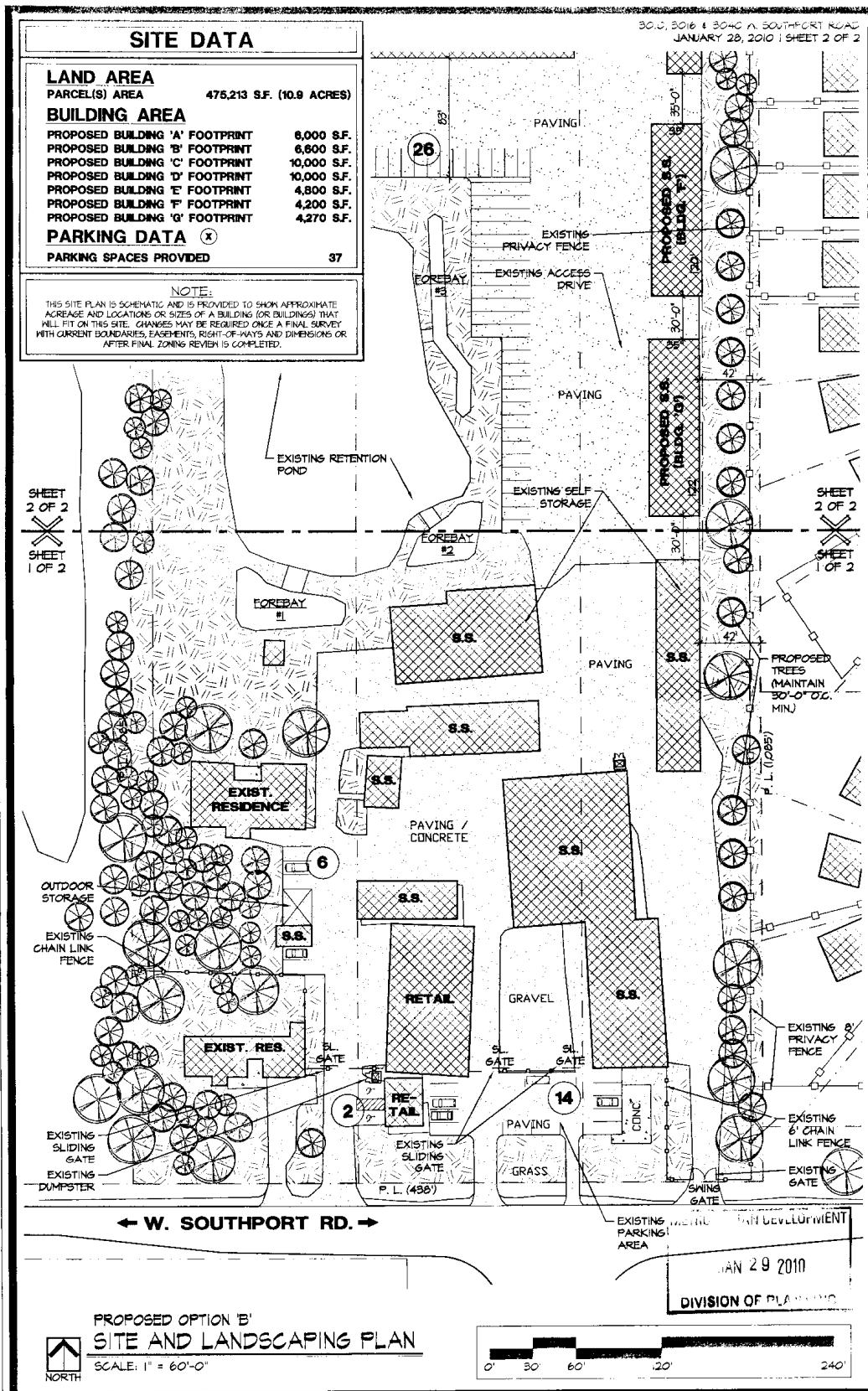
2010-ZON-019 SITE PLAN I/2
(file-dated February 3, 2010)



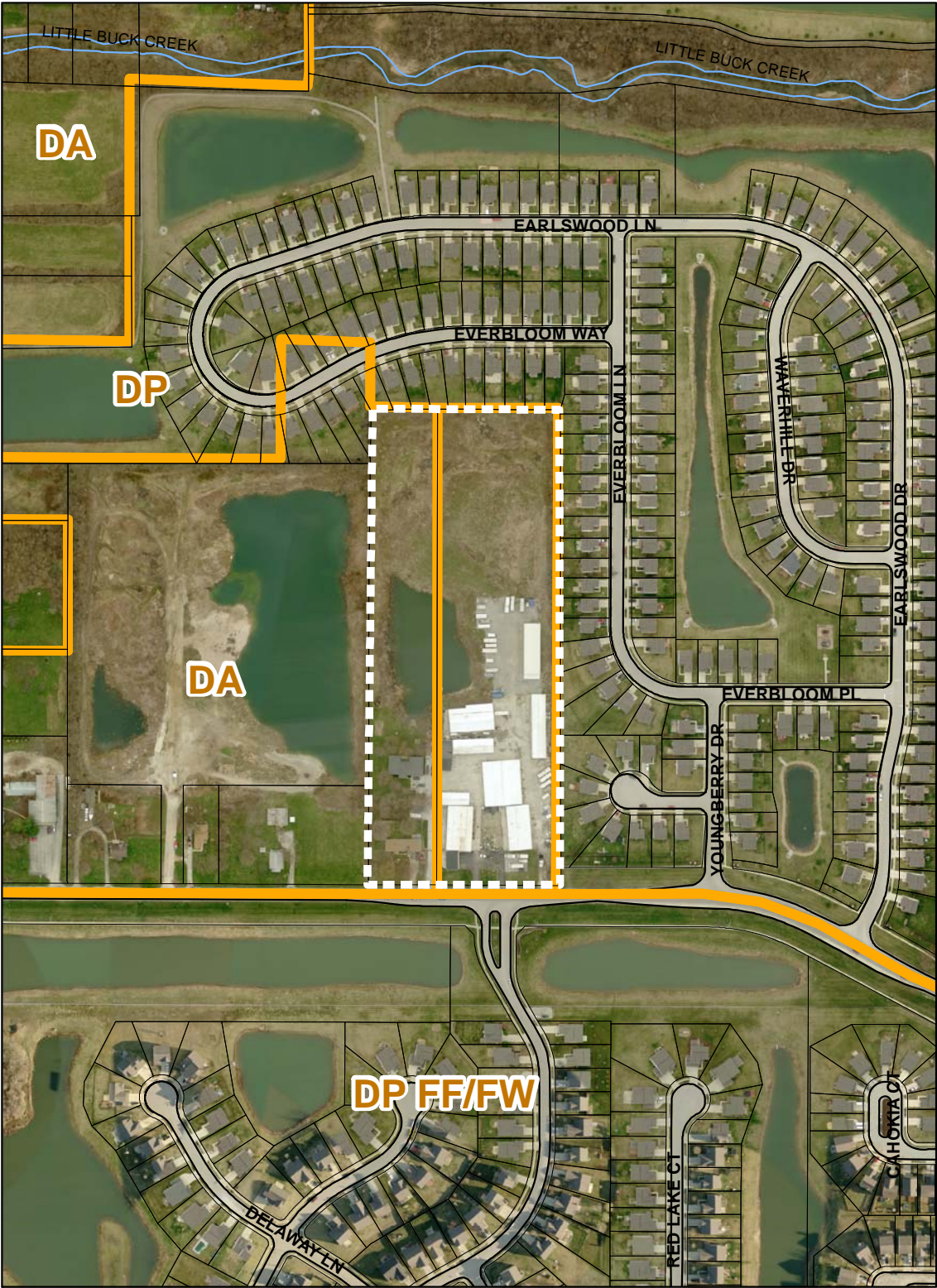
Site Southport

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2010-ZON-019 SITE PLAN 2/2
(file-dated January 29, 2010)



2010-ZON-019; 3016 West Southport Road



STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2011-ZON-052
Address: 2405 Lafayette Road (approximate address)
Location: Wayne Township, Council District #15
Petitioner: 2405 Lafayette Road, LLC
Request: Rezoning of 0.38 acre, from the D-4 (W-5) District to the C-4 (W-5) classification to provide for commercial uses.

ADDENDUM FOR SEPTEMBER 29, 2011

This case was continued, without additional notice, from the September 15, 2011 hearing to the September 29, 2011 hearing to allow additional time for review and comment from Department of Public Works, Transportation staff. As of this writing, DPW comments have not been provided, no additional materials have been submitted to the file, and staff's recommendation remains as indicated below. Should DPW comments be provided, staff will report on them verbally at the hearing.

ADDENDUM FOR SEPTEMBER 15, 2011

This case was continued, at the request of the petitioner, from the August 25, 2011 hearing to the September 15, 2011 hearing, without additional notice. As of this writing, no additional materials have been submitted to the file, and staff's recommendation remains as indicated below.

AUGUST 25, 2011

RECOMMENDATIONS

Staff **recommends approval** of this petition, subject to the following commitment.

A curbed island shall be installed along this site's frontage of Lafayette Road, according to the requirements and specifications of the Department of Public Works, within one year of any approval of this petition.

SUMMARY OF ISSUES

The following information was considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.38-acre site is zoned D-4 (W-5) and is improved with a one-story, multi-tenant commercial structure. It is abutted to the north by a banquet hall, zoned D-4 (operating via

(Continued)

STAFF REPORT 2011-ZON-052 (Continued)

variance 84-UV1-27); to the east by a single-family dwelling and a vacant service station building, zoned D-4 and C-4, respectively; to the south by the same vacant service station site, zoned C-4; and to the west, across Lafayette Road, by a commercial center, zoned C-4.

- ◇ Though review of historic aerial photography indicates that the subject structure has existed essentially in its current state since at least 1962, no land use petition history establishing the structure and its apparent long-time commercial use has been discovered.
- ◇ This request, if approved, would provide for regional commercial use of the site. The request would be consistent with the *Lafayette Road – Coffin Park Plan*, which recommends commercial retail development, specifically the C-4 classification. Staff, therefore, recommends its approval, subject to incorporation of the petition amendment described below.

SITE ISSUES

- ◇ There is no physical delineation between this site's parking and maneuvering area, and the Lafayette Road right-of-way. Site access is gained, without restriction, at any point along the site's frontage of Lafayette Road, providing, essentially, for an uninterrupted 90-foot curb cut. The lack of established ingress and egress points creates opportunity for vehicular conflict within and near the site.
- ◇ Because the subject structure's front façade is separated from the Lafayette Road right-of-way by only 35 feet, the ten-foot landscaped front yard required by the Commercial Zoning Ordinance could not be provided in a manner that would also allow for adequate site access, maneuvering, and parking. However, that 35-foot separation would allow for a row of 45-degree angled parking spaces along the structure's front façade, in a manner *not* requiring maneuvering within the right-of-way. The parking spaces would be served by a one-way drive, with the entrance at the south end of the site's Lafayette Road frontage, and the exit at the north end. In concert with the angled parking, and to provide for more orderly and predictable site ingress and egress, a curbed island, installed according to the requirements and specifications of the Department of Public Works, should be built along this site's frontage of Lafayette Road, within one year of any approval of this petition.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-4 (W-5) Commercial structure

SURROUNDING ZONING AND LAND USE

North -	D-4	Banquet hall
South -	C-4	Commercial center
East -	D-4, C-4	Single-family dwelling, vacant service station
West -	C-4	Commercial center

(Continued)

STAFF REPORT 2011-ZON-052 (Continued)

NEIGHBORHOOD PLAN AREA

This site is located within the boundaries of the *Lafayette Road – Coffin Park Plan*, which recommends commercial retail development, specifically the C-4 classification.

THOROUGHFARE PLAN

This portion of Lafayette Road is indicated on the Official Thoroughfare Plan as a primary arterial with a 100-foot right-of-way existing and a 100-foot right-of-way proposed.

FLOODWAY/FLOODWAY FRINGE

This site is not located in the floodway or floodway fringe.

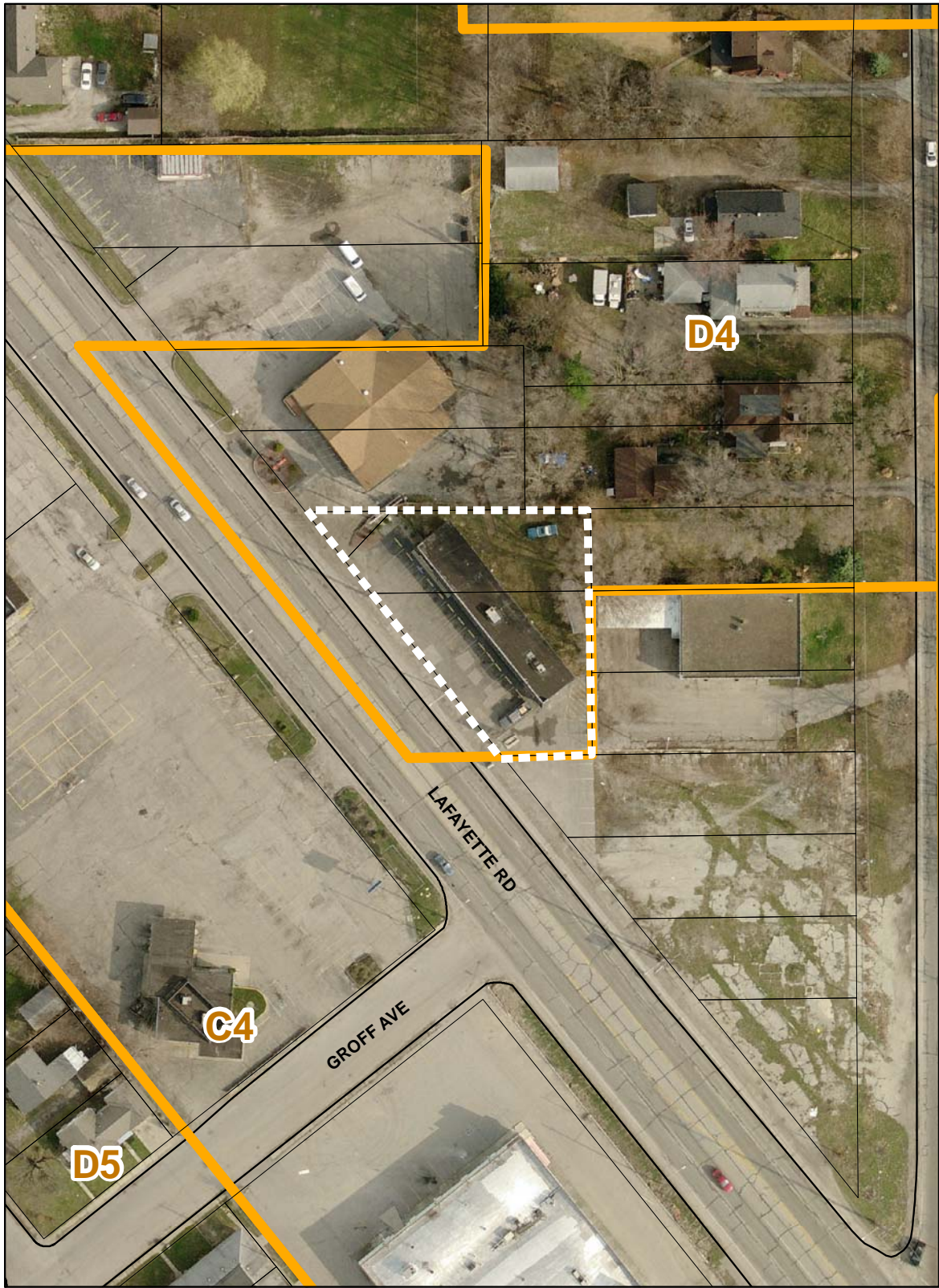
ZONING HISTORY

2010-ZON-088; 2403-2425 Lafayette Road and 2620 Kessler Boulevard, North Drive (abutting site to east and south), requested rezoning of 1.35 acres, from the D-4 and C-4 Districts, to the C-4 classification to provide for commercial uses, **approved**.

84-UV1-27; 2441 Lafayette Road (abutting site to north), requested variance of use and development standards of the DDZO to provide for the expansion of an existing restaurant, **granted**.

DLH

2011-ZON-052; 2405 Lafayette Road



STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2011-ZON-068
Address: 531 Virginia Avenue (Approximate address)
Location: Center Township, Councilmanic District # 19
Petitioner: 531 Virginia, LLC, by David Leazenby
Request: Rezoning of 0.831 acre, from the C-3C (RC) District, to the CBD-S (RC) classification to provide for a mixed-use residential and commercial development, including multi-family dwellings, C-1 uses (except convalescent and nursing homes, and daycare centers), restaurants, taverns, membership organization or club, outdoor advertising signs, personal service establishments, repair shops and retail uses listed in the C-3C district.

This petition was continued from September 15, 2011 to September 29, at the request of the petitioner. A remonstrator has filed a timely **automatic continuance** to the **October 27, 2011** hearing.

GENERAL INFORMATION

EXISTING ZONING

AND LAND USE C-3C (RC) Vacant commercial building

SURROUNDING ZONING AND LAND USE

North -	I-3-U / CBD-2 (RC)	Industrial / multi-family residential
South -	CBD-2 (RC)	Multi-family residential
East -	C-2 / C-5 (RC)	Multi-family residential
West -	D-8 / I-3-U / CBD-2 (RC)	Single- and two-family residential

COMPREHENSIVE PLAN The site is located within the boundaries of the Regional Center Plan 2020 which recommends medium density mixed use development.

THOROUGHFARE PLAN The Official Thoroughfare Plan for Marion County indicates that Virginia Avenue is a primary arterial with a 90-foot right-of-way existing and proposed.

URBAN DESIGN GUIDELINES DISTRICT TYPOLOGY

The site is located within the Village Mixed-Use District typology.

SITE PLAN File-dated August 11, 2011

DEVELOPMENT PLAN File-dated August 11, 2011

(Continued)

STAFF REPORT 2011-ZON-068 (Continued)

ZONING HISTORY

2011-ZON-058; 647 Virginia Avenue, requests a rezoning of 0.313 acre, from the I-3-U (RC) District, to the CBD-S (RC) classification to provide for CBD-2 uses, including the manufacturing or processing of beer, wine and spirits in limited quantities, with attached tasting rooms and without off-street parking, **pending**.

2010-REG-098; 719 Virginia Avenue and 701 Noble Street, requests Regional Center Approval to provide for a mixed-use development including residential, commercial office and retail, with service uses and off-street parking garage and surface parking, **approved**.

2010-ZON-078; 719 Virginia Avenue and 701 Noble Street, requests a rezoning of 0.936 acre, from the I-3-U (RC) District, to the CBD-S (RC) classification to provide for a mixed-use development consisting of multi-family residential, office, art gallery, retail sales and service uses, restaurants and off-street garage and lot parking, and other similar uses and accessory facilities and uses, **approved**.

97-AP-113; 701 Noble Street (west parcel), requested Regional Center Approval for an off-street parking lot, **approved**.

JY



Aerial map with zoning
2011-ZON-068

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2011-CZN-818 / 2011-CVR-818
Address: 433-457 North State Street and 1739 East Michigan Street
(Approximate Addresses)
Location: Center Township, Councilmanic District # 16
Lot Size: 1.38 acres
Petitioner: Presbytery of Whitewater Valley Inc.
Rezoning Request: Rezoning of 0.733 acre from the SU-1 and D-8 districts to the C-S classification to provide for religious uses, daycare, not-for-profit office use, and a neighborhood center, including tutoring, legal assistance, medical assistance, a food pantry and meals for local residents.

Variance Request: Variance of use of the Special Districts Zoning Ordinance to permit parking related to commercial uses on an SU-1 zoned site (not permitted), and

- a) a variance of development standards of the Commercial Zoning Ordinance to provide for ten off-street parking spaces (137 parking spaces required),
- b) a three-story building addition to an existing three-story building having and creating, a zero-foot front south side setback, a zero-foot front west side setback, a zero-foot east side setback and a three-foot north side setback (20-foot front transitional yard and 10-foot (alley) and 15-foot side transitional yards required),
- c) a trash container and loading dock, with a zero-foot east side transitional setback (10-foot transitional setback required),
- d) a parking lot, with a one-foot west front transitional setback, a eleven-foot east side transitional yard setback, and a five-foot south transitional yard setback (20-foot transitional front setback, 10-foot (alley) and 15-foot side transitional setbacks required),
- e) to legally establish a free-standing sign, with a zero-foot setback from State Avenue and a seven-foot setback from Sturm Avenue (15-foot setback required), being within the clear sight triangle of Sturm Avenue and State Street (not permitted), and with zero loading spaces (two loading spaces required).

Because surrounding property owner notice was not sent out for this petition due to the possibility of it being amended, this petition was continued until the September 29, 2011 hearing. As of this writing, no notice has been provided for this petition, therefore, it should be continued until the **October 27, 2011 hearing**, with notice.

(Continued)

STAFF REPORT 2011-CZN-818 / 2011-CVR-818 (Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE	SU-1 and D-8	Religious use, parking lots and single-family dwelling
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SURROUNDING ZONING AND LAND USE

North- D-8 and SU-1	Residential and religious use
South-D-8	Residential
East- D-8	Residential
West- D-8	Residential

NEIGHBORHOOD PLANNING AREA

The Highland / Brookside Neighborhood Plan recommends special use for 445 N. State Ave, low-density residential at two to five units per acre for 433-437 and 451-457 N. State Avenue and 1739 E. Michigan St. and 469 Walcott St. and recommends medium-density residential for 469 N. Walcott St. at five to fifteen units per acre.

CODE ENFORCEMENT ACTION / LEGAL STATUS

None.

THOROUGHFARE PLAN

Walcott Street and Sturm Avenue are not indicated on the Official Thoroughfare Plan. The Official Thoroughfare Plan indicates that State Avenue is a secondary arterial, with a 35-foot right-of-way existing and proposed.

FLOODWAY/FLOODWAY FRINGE

The subject site is not located in the floodway or floodway fringe.

SITE PLAN

File-dated, June 26, 2011

FINDINGS OF FACT

File-dated, June 26, 2011

ZONING HISTORY

2010-DV1-019; 1845 East Michigan Street and 478 North Randolph Street, requests variance of development standards of the Sign Regulations to provide for a six-foot tall pylon sign within approximately 30 feet of a protected district, and with a six-foot front setback from the right-of-way of Michigan Street, **granted**.

2005-ZON-072; 1845 East Michigan Street and 478 North Randolph Street (subject site), rezone from C-2 to C-3C to provide for commercial uses, **approved**.

(Continued)

STAFF REPORT 2011-CZN-818 / 2011-CVR-818 (Continued)

2009-UV1-001; 1845 East Michigan Street and 478 North Randolph Street (subject site), requests a Variance of Use and Development Standards of the Commercial Zoning Ordinance to provide for a gas station, with a gas station canopy with a 48-foot front setback from the centerline of Michigan Street, carry-out food service within approximately 65 feet of a protected district, and to legally establish a six-foot landscape strip along Michigan Street and a one-foot landscape strip along Randolph Street, in C-3C, **granted.**

89-UV2-131; 1845 East Michigan Street (subject site), requests a Variance of Use and Development Standards of the Commercial Zoning Ordinance to permit the use of abandoned service station as a convenience market with gasoline sales, in C-2, **granted.**

84-UV1-69; 1641 East Michigan Street (west of site), requests a Variance of Use of the Commercial Zoning Ordinance to provide for the use of an existing structure as a youth counseling and recreation center, in C-2, **granted.**

LWC

2011-CZN-818 / 2011-CVR-818
433-457 N. State Ave. / 1739 E. Michigan St.



Legend

- CCGIS.PARCELS
- Zoning
- Buildings
- Centerline

0 75 150 300 450 600 Feet



STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2011-ZON-069
Address: 101 South Harding Street (Approximate address)
Location: Center Township, Councilmanic District # 15
Petitioner: Harding Street Lofts, LLC, by Michael Cox
Request: Rezoning of 4.471 acres, from the I-4-U (RC) District, to the CBD-2 (RC) classification to provide for a multi-family residential development.

RECOMMENDATIONS

Staff recommends approval of the petition, subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

The sidewalk along Harding Street shall be removed and replaced with a sidewalk adjacent to the existing building prior to completion of planned renovations. Green-space shall be maintained between the new sidewalk and the Harding Street curb in line with the existing conditions directly to the north.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The request would provide for the rezoning of a 4.471-acre parcel, located along Harding Street about a block south of Washington Street. The subject building, known as the Solotken Building, is a vacant industrial building four stories in height. The building and site was used for a metal recycling business from 1936 to March, 2010.
- ◇ Directly to the north is an existing multi-family development. Originally, that building was used for industrial purposes. It was converted to residential uses several years ago. East of the site is undeveloped and west, across Harding Street, is the maintenance facility for IndyGo. South is heavy industrial uses.
- ◇ This rezone request would provide for the site to be converted to multi-family residential uses. The CBD-2 zone would permit residential uses and comply with the Regional Center Plan 2020 recommendation, which is residential uses of 50-plus units per acre.

SIDEWALKS

- ◇ Sidewalks are present along both sides of Harding Street, including adjacent to this site. The sidewalk along the site to the north is directly adjacent to the building, leaving approximately

(Continued)

STAFF REPORT 2011-ZON-069 (Continued)

four to six feet of green-space between the sidewalk and street curb. Along the subject site, however, the sidewalk is directly adjacent to the street curb, several feet away from the building. To provide for a safer environment for pedestrians, the sidewalk along the subject site should be moved to be adjacent to the building in line with the existing sidewalk to the north.

REGIONAL CENTER

- ◇ The site is located within the Regional Center overlay district. Design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the approval of the Administrator of the Division of Planning. A Regional Center Approval petition has been filed and has been identified as a high impact project, which requires a public hearing before the Regional Center Hearing Examiner.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE I-4-U (RC) Vacant industrial building

SURROUNDING ZONING AND LAND USE

North	-	CBD-2 (RC)	Multi-family residential
South	-	I-4-U (RC)	Industrial
East	-	I-4-U (RC)	Undeveloped
West	-	I-4-U (RC)	IndyGo maintenance facility

COMPREHENSIVE PLAN The site is located within the boundaries of the Regional Center Plan 2020 which recommends residential development of 50-plus units per acre.

THOROUGHFARE PLAN This portion of Harding Street is not identified on The Official Thoroughfare Plan for Marion County.

ZONING HISTORY

2011-REG-108; 101 South Harding Street, requests Regional Center approval to provide for site and building improvements, **pending**.

JY



Zoning map



Oblique view from the south – 2011-ZON-069



View, looking south, of the sidewalk adjacent to the building north of the subject site. Note pedestrians have to shift to walk along the pavement.
2011-ZON-069



View, looking north, of the existing sidewalk adjacent to the street curb along Harding Street
2011-ZON-069